

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 418 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PRESIDENT STEEL CAREER

Versus

STEEL AUTHORITY OF INDIA LTD

Appearance:

MS SONAL H PUJARA for Petitioner
MR BN PATEL for Respondent No. 1 to 3
RULE SERVED BY DS for Respondent No. 4
UNSERVED-REFUSED (R) for Respondent No. 6

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/07/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner-firm has challenged the decision of respondent Nos. 1 to 3 to award transportation contracts to respondent Nos. 4 to 6 on the ground that the petitioner was not given tender forms and, therefore, the respondent authorities have acted

arbitrarily in violation of the petitioner's fundamental rights under Article 14 of the Constitution.

2. In response to the notice issued by this Court, the respondent authorities have appeared and on their behalf affidavit-in-reply is filed by respondent No.3-Branch Manager of the Branch Sales Office, Ahmedabad pointing out that the contract is awarded only for a limited period of six months since the process of empaneling the transport contractors on regular basis after public advertisements takes some time. Hence, in the meantime, the contractors whose work was found to be satisfactory by the respondent authorities in the past were asked to give their rates. Since the petitioner's performance in the past was found to be unsatisfactory, the petitioner was not given any tender form for the limited period of contract of six months.

3. The learned counsel for the petitioner disputes the assertions made in the reply affidavit, though there is no rejoinder affidavit. The learned counsel for the petitioner further asserts that even if the petitioner's performance was found to be unsatisfactory in the past, the petitioner should not be denied opportunity to participate in the contract for the limited period.

4. It is not necessary to examine the contentions raised on behalf of the petitioner because the period for the impugned contract has already expired on 26.5.2000. It is pointed out by Mr BN Patel for respondent Nos. 1 to 3 that with effect from 26.5.2000, the respondent authorities have already entered into the contracts with the transporters after inviting applications through public advertisement.

5. In view of the above, it is obvious that the petition has become infructuous and, therefore, it does not survive.

The petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

July 3, 2000 (M.S. Shah, J.)
sundar/-